



**Tim Moss**

**From:** Blake Erskine  
**Sent:** Tuesday, March 26, 2019 3:29 PM  
**To:** Brett Payne  
**Cc:** Tim Moss; Tara Braddock; Sandy Kinsey; Matt Kelley  
**Subject:** RE: Case 1:18-cv-00603-AWA Mladan et al v. Walmart Stores Texas, LLC

Yes. No problem.

**From:** Brett Payne [mailto:Brett.Payne@wbclawfirm.com]  
**Sent:** Tuesday, March 26, 2019 3:07 PM  
**To:** Blake Erskine  
**Cc:** Tim Moss; Tara Braddock; Sandy Kinsey; Matt Kelley  
**Subject:** RE: Case 1:18-cv-00603-AWA Mladan et al v. Walmart Stores Texas, LLC

Blake,

Wal-Mart's responses to your second set of requests for production are due tomorrow. We have been in dialogue with Home Office about getting responsive materials together and intend to provide you with responsive information as soon as practicable. However, due to the scope of your RFPs, we need additional time to narrow down what information is relevant and responsive to your specific requests.

Would you be agreeable to granting us a two week extension to respond to your RFPs?

Thanks,

**Brett H. Payne**  
Partner



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**From:** Sandy Kinsey [mailto:skinsey@erskine-blackburn.com]  
**Sent:** Wednesday, March 06, 2019 12:52 PM  
**To:** Brett Payne <Brett.Payne@wbclawfirm.com>; Matt Kelley <Matt.Kelley@wbclawfirm.com>

**Cc:** Blake Erskine <berskine@erskine-blackburn.com>; Tim Moss <tmoss@erskine-blackburn.com>; Tara Braddock <Tara.Braddock@wbclawfirm.com>

**Subject:** RE: Case 1:18-cv-00603-AWA Mladan et al v. Walmart Stores Texas, LLC

Counsel,

Attached please find Complainants, Frances Mladan and Milos Mladan's First Supplemental Designation of Testifying Experts along with Exhibits in the above-referenced matter. A copy of this correspondence was also sent to you today by certified mail.

Should you have any questions, please call.

Regards,

Sandy Kinsey  
Senior Legal Assistant  
Erskine & Blackburn, L.L.P.  
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Austin, TX 78730  
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## Tim Moss

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**From:** Blake Erskine  
**Sent:** Saturday, May 11, 2019 10:35 AM  
**To:** Brett Payne  
**Cc:** Tara Braddock; Matt Kelley; Tim Moss; Sandy Kinsey  
**Subject:** Mladan v. WM

Good morning Brett.

I would like to visit with you about Mladan case.

Does WM want to resume settlement negotiations or continue with discovery?

We have outstanding discovery issues that we need to resolve so we can start scheduling WM witnesses' depositions.

### Outstanding discovery issues:

First, we have not received **Responses to Second RFP** – re: OSI incident reports and lawsuits – originally due on 3/27/19. We gave a 2-week extension by email on 3/26/19 and we have not received any responses.

Second, we received supplemental production from **First RFP**, but no objections were removed re: the following:

Request No. 6 – Manual re: accident prevention

Request No. 7 – Manual re: restocking carts/stocking carts/moving carts

Request No. 8 – Accident reviews

Request No. 9 – Associate Incident Log report re: subject incident

Request. No. 10 – Risk Mgmt Resource Manual, effective on date of incident

Request No. 15 – Docs re safety meetings following subject incident re: cart safety

Request No. 19 – Statements by individuals – employees or witnesses

Request No. 23 – Roster of employees working on date of incident

Request No. 24 – employment file for Keon

Request No. 25 – work assignments, appointments and schedule for Keon on date of incident

Request No. 26 – training given to Keon before incident

Request No. 27 – Training given to Keon after incident

Request No. 28 – standards, regs, safety protocols possessed by WM re: restocking carts, movement of carts around customers, etc.

Request No. 29 – P&P, handbooks, docs re employee collection of shopping carts

Request No. 30 - P&P, handbooks, docs re supervision of employee collection of shopping carts

Request No. 31 – docs re: use of electronic cart manager used at TX stores from 2008 to present

Request No. 32 – docs re: use of leash strap at TX stores from 2008 to present

Request No. 33 – Emails discussing lawsuit, excluding privileged attorney/client communications

Request No. 34 – Docs re: affirmative defense – Defendant caused no injury

Let me know when you can discuss.

Blessings to you and your family for affirming and honoring mother's day celebrations for all the "mothers" in your family.

Blake

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